



Crl.OP(MD)No.22541 of

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.22541 of 2025

and

CrI.MP(MD)No.19489 of 2025

R.Arumugam

... Petitioner/Sole Accused

Vs.

1.The State of Tamil Nadu Rep by,
The Inspector of Police,
Anna Nagar Police Station,
Madurai – 625 020.
(Crime No.1432 of 2021

... 1st Respondent / Complainant

2.Azhagumuthu,
The Sub Inspector of Police,
Anna Nagar Police Station,
Anna Nagar,
Madurai – 625 020.

... 2nd Respondent / De-facto
complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to Charge Sheet in S.T.C.No.12332 of 2025 on the file of the Judicial Magistrate No.VI, Madurai, which is pending insofar as the petitioner is concerned and quash the same as illegal.

For Petitioner

: Mr.A.C.Namburaj

For R1

: Mr.S.Ravi

Additional Public Prosecutor



ORDER

This Criminal Original Petition is filed to call for the records pertaining to Charge Sheet in S.T.C.No.12332 of 2025 on the file of the Judicial Magistrate No.VI, Madurai.

Case of the prosecution:

2. The petitioner is the sole accused in the said case and the prosecution alleges commission of an offence under Section 75 of the Tamil Nadu City Police Act, 1888, on the premise that he created disturbance in a public place by using indecent language and gathering a crowd.

3. The prosecution case, as reflected in the First Information Report and the final report filed before the learned Magistrate, is that on 17.08.2021 at about 08.15 p.m., the petitioner was found behaving in an indecent manner in a public place within the jurisdiction of Anna Nagar Police Station, Madurai.

4. It is alleged that the petitioner used filthy and abusive language, caused nuisance in a public place, and thereby attracted a crowd resulting in disturbance to the public and obstruction to vehicular movement.



5. Based on the complaint lodged by a police official attached to the Anna Nagar Police Station, the respondent police registered a case in Crime No.1432 of 2021 for the alleged offence under Section 75 of the Tamil Nadu City Police Act, 1888.

6. After completing the investigation, the respondent police filed a final report before the learned Judicial Magistrate No.VI, Madurai, and the same was taken on file as S.T.C.No.12332 of 2025.

Contentions of the petitioner:

7. The learned counsel appearing for the petitioner would submit that the entire criminal prosecution is a product of a motivated and fabricated case foisted upon the petitioner by the respondent police.

8. According to the petitioner, on 17.08.2021 at about 08.15 p.m., he and his friend Nagore Moidyn were present near Naveen Bakery at Anna Nagar, Madurai. At that point of time, one Beer Mohamed, along with his two sons, allegedly attempted to attack the said Nagore Moidyn.



9. Faced with the said situation, instead of engaging in any confrontation, the petitioner and his friend rushed to the nearby police booth situated hardly 25 feet away from the place of occurrence and sought police protection.

10. However, the police personnel present at the booth allegedly directed them to approach the Anna Nagar Police Station and lodge a formal complaint. Acting upon the said advice, the petitioner and his friend proceeded to the police station and submitted a written complaint narrating the incident.

11. It is the further contention of the petitioner that the respondent police, instead of acting upon the complaint given by him, had allegedly colluded with the said Beer Mohamed and turned the tables upon the petitioner by registering the present FIR against him.

12. According to the petitioner, the FIR has been falsely and maliciously registered for an offence under Section 75 of the Tamil Nadu City Police Act, 1888, with a view to shield the real offenders and to harass the petitioner. It is therefore contended that the entire prosecution is nothing but a clear abuse of the process of law, and continuation of the criminal proceedings would amount to miscarriage of justice.



Submissions of the prosecution:

13. Per contra, the learned Additional Public Prosecutor appearing for the first respondent police would submit that the FIR was registered based on the complaint of a police official who had witnessed the occurrence. According to the prosecution, the investigation was conducted in accordance with law and, upon completion of investigation, the final report has been filed before the learned Magistrate.

14. It is further submitted that since the materials collected during investigation disclose a prima facie case, the petitioner must face trial and the present petition seeking quashing of the proceedings is premature.

Point for consideration:

15. The principal point that arises for consideration in this petition is whether the continuation of the criminal proceedings in S.T.C.No.12332 of 2025 against the petitioner would amount to abuse of the process of law warranting interference by this Court under Section 528 BNSS?



Analysis:

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16. The inherent powers of this Court under Section 528 BNSS are meant to be exercised sparingly and with circumspection, primarily to prevent abuse of the process of court or to secure the ends of justice. The Hon'ble Supreme Court in the celebrated judgment in *State of Haryana vs. Bhajan Lal* ¹ has laid down the illustrative categories where the High Court may exercise its inherent jurisdiction to quash criminal proceedings.

17. One of the well-recognised categories is where the allegations made in the FIR or charge sheet are so inherently improbable or manifestly attended with mala fides, that the continuation of criminal proceedings would amount to abuse of the process of law.

18. In the present case, the entire prosecution rests upon the allegation that the petitioner used indecent language in a public place and gathered a crowd causing nuisance. Significantly, the prosecution itself admits that the alleged occurrence took place in the immediate vicinity of a police booth situated barely a few feet away from the place of occurrence. The explanation offered by the

¹ (1992 Supp (1) SCC 335)



petitioner that he had approached the police booth seeking protection appears plausible in the factual context projected by the petitioner.

19. More importantly, the materials placed before this Court do not indicate the existence of any independent witnesses from the public who were allegedly disturbed by the conduct of the petitioner. In cases relating to minor public nuisance offences under Section 75 of the Tamil Nadu City Police Act, 1888, the prosecution is expected to demonstrate at least some material showing disturbance to the public or obstruction to public movement. In the absence of such material, the allegations appear to be vague and omnibus.

20. It is also pertinent to note that the petitioner has consistently taken the stand that he had approached the police station to lodge a complaint regarding the attack on his friend. The possibility of the present case having been registered as a counter-blast cannot be completely ruled out in the absence of convincing material in the charge sheet.

21. When the materials placed before the Court fail to disclose the essential ingredients of the alleged offence and the prosecution appears to be predominantly founded on a police complaint without independent



corroboration, the continuation of such proceedings would not serve the ends of justice.

22. The inherent powers of this Court are meant precisely to prevent such situations where criminal law is set in motion in a mechanical or retaliatory manner. Therefore, this Court is of the considered view that allowing the prosecution to continue in the present case would amount to abuse of the process of law, warranting interference under Section 528 BNSS.

23. In the facts and circumstances of the present case, this Court is satisfied that the continuation of proceedings against the petitioner in S.T.C.No. 12332 of 2025 would serve no useful purpose and would only result in unnecessary harassment to the petitioner.

24. In the result, this Criminal Original Petition stands allowed.



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25. The proceedings in S.T.C.No.12332 of 2025 pending on the file of the learned Judicial Magistrate No.VI, Madurai, arising out of Crime No.1432 of 2021, are hereby quashed insofar as the petitioner is concerned. Consequently, the connected Criminal Miscellaneous Petition is closed.

11.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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Note : *Issue order copy on 10.03.2026.*

To

1.The Judicial Magistrate Court No. VI,
Madurai.

2.The Inspector of Police,
Anna Nagar Police Station,
Madurai – 625 020.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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